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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 NICHOLAS BARKSDALE HOWARD,

10 Petitioner,

11 vs.

12 RENEE BAKER, et al.,

13 Respondents.
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Case No. 3:16-cv-00631-RCJ-VPC

ORDER

15 Petitioner has submitted an application to proceed in forma pauperis (ECF No. 1), a petition
16 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, and a motion for the appointment of
17 counsel (ECF No. 2). The court finds that petitioner is unable to pay the filing fee. Petitioner is
18 unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18
19 U.S.C. § 3006A(a)(2)(B).

20 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (ECF No.
21 1) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

22 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of
23 habeas corpus pursuant to 28 U.S.C. § 2254.

24 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (ECF No.
25 2) is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

26 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days
27 from the date that this order is entered to undertake direct representation of petitioner or to indicate
28 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender

1 does undertake representation of petitioner, he shall then have sixty (60) days to file an amended
2 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,
3 then the court shall appoint alternate counsel.

4 IT IS FURTHER ORDERED that neither the foregoing deadline nor any extension thereof
5 signifies or will signify any implied finding of a basis for tolling during the time period established.
6 Petitioner at all times remains responsible for calculating the running of the federal limitation period
7 under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

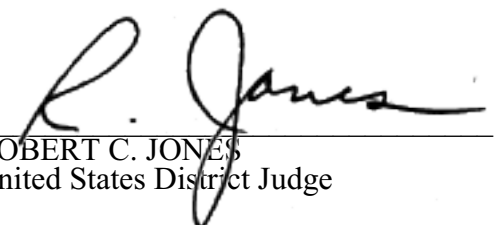
8 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General
9 for the State of Nevada, as counsel for respondents.

10 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney
11 General of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of
12 this order.

13 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of appearance
14 within twenty (20) days of entry of this order, but no further response shall be required from
15 respondents until further order of the court.

16 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a
17 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
18 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
19 in the attachment. The hard copy of any additional state court record exhibits shall be
20 forwarded—for this case—to the staff attorneys in Las Vegas. The court otherwise waives
21 compliance with Local Rule LR IA 10-3(e) with regard to the exhibits.

22 Dated: December 20, 2016.

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25 ROBERT C. JONES
26 United States District Judge
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